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Attorneys for Individual and Representative  
Plaintiff RICHARD ZICCARELLO

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

RICHARD ZICCARELLO, on behalf of  
himself and all others similarly situated,

Plaintiffs,

vs.

SANYO ENERGY (U.S.A.)  
CORPORATION; SANYO NORTH  
AMERICA CORPORATION;  
PANASONIC CORPORATION OF  
NORTH AMERICA; and DOES 1-20,  
inclusive,

Defendants.

Case No. 2:19-CV-16623-CLW

**NOTICE OF JOINT MOTION AND  
MOTION FOR FINAL APPROVAL  
OF CLASS ACTION SETTLEMENT**

**FINAL APPROVAL  
HEARING:**

**July 8, 2021**

The Honorable Cathy L. Waldor

**NOTICE OF JOINT MOTION AND MOTION**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on July 8, 2021, before the Honorable Cathy L. Waldor in the above-entitled Court, individual and representative plaintiff Richard Ziccarello and defendants Sanyo Energy (U.S.A.) Corporation, Sanyo North America Corporation, and Panasonic Corporation of North America will and hereby do respectfully move the Court, pursuant to Federal Rule of Civil Procedure 23, for entry of the accompanying proposed Order and Final Judgment.

**STATEMENT OF ISSUES TO BE DECIDED**

pBy this joint motion, the parties move the Court for an Order:

1. Granting final approval of the Settlement in this Action pursuant to Federal Rule of Civil Procedure 23(e);<sup>1</sup>
2. Granting final approval to the certification for purposes of the Settlement of the Settlement Class pursuant to Federal Rules of Civil Procedure 23(a) and 23(b)(3);
3. Granting final approval to the appointment of Plaintiff Richard Ziccarello as the Settlement Class Representative;
4. Granting final approval to the appointment of the Birka-White Law

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<sup>1</sup> A copy of the executed Settlement Agreement is attached as **Exhibit A** to the accompanying Declaration of David M. Birka-White.

Offices, Levin Sedran & Berman LLP and Farella Braun & Martell  
LLP as Class Counsel;

5. Approving the Notice given to the Settlement Class as the best notice practicable in the circumstances in accordance with the requirements of FED. R. CIV. P. 23 and due process; and
6. Dismissing the Action with prejudice as set forth in the Settlement Agreement.

This Joint Motion is based on the accompanying Memoranda of Law, the Declaration of David M. Birka-White (“Birka-White Decl.”), Declaration of Charles E. Schaffer (“Schaffer Decl.”), Declaration of John D. Green (“Green Decl.”), Declaration of Richard Zicarelli (“Zicarelli Decl.”) and Declaration of Jeanne C. Finegan, President and Chief Media Officer of HF Media, LLC, a division of Heffler Claims Group, LLC of (“Finegan Decl.”), and all exhibits thereto, the arguments of counsel, and all papers and records on file in this matter.

Accordingly, the parties respectfully request that this motion be granted and that the Court approve and enter the accompanying proposed Order and Final Judgment.

DATED: June 10, 2021

**BIRKA-WHITE LAW OFFICES**

By: /s/ David M. Birka-White  
DAVID M. BIRKA-WHITE

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